

**Before the State of South Carolina
Department of Insurance**

In the matter of:

SCDOI File Number 126817

James M. Hawkins
2 Rose Dew Lane
Blythewood, S.C. 29016

**Consent Order
Imposing Administrative Penalty and Two
Years Suspension**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above referenced individual, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact that James M. Hawkins, while licensed to do business as a resident insurance producer within South Carolina, was convicted by the United States District Court, District of South Carolina of the crime of Bank Fraud, and Aiding and Abetting, 18 Section 1344 and 2, Class B Felony, docket number 3:03-1026-004. Mr. Hawkins fully acknowledges his wrongdoing and understands these types of actions can ultimately lead to the suspension or revocation of his license to transact the business of insurance as producer in South Carolina, following a public hearing at the Administrative Law Court, pursuant to SC Code Ann. Section 38-43-130 (Supp. 2005).

After the initiation of an administrative proceeding by the Department against Mr. Hawkins, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal administrative hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke respondent's license, he would waive his right to a public hearing, pay a negotiated and consensual administrative penalty in the amount of \$5,000.00 dollars and be placed on Suspension for a period of two years from the date of this Order.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that James M. Hawkins violated Section 38-43-130 (A)(6)(Supp. 2005) of the South Carolina Code of Administrative Laws. As a result, I can now take administrative disciplinary action against his insurance producer's license. However, under the discretionary authority provided to me by the General Assembly within SC Code Ann. § 38-2-10(2)(Supp.2005) and carefully considering the recommendation of the parties, I hereby impose against respondent an administrative penalty in the amount of \$5,000.00 dollars, which he must pay within thirty days from the date of receipt of this Consent Order, and subsequently place him on Suspension for a period of two years. Failure to follow our instructions would result in the immediate revocation of his licensing privileges without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, in view of the absence of a negative record or complaints within respondent's history, and it is made in consideration of his assurances that in the future he shall exercise more caution and fully comply with the Insurance Laws of South Carolina.

This penalty includes all expenses related to the investigation of this matter as provided in § 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and understand payment of the agreed-upon penalty and the completion of Two Years Suspension shall constitute full accord and satisfaction of this matter. By his signature upon this consent order, James M. Hawkins acknowledges that he understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2005).

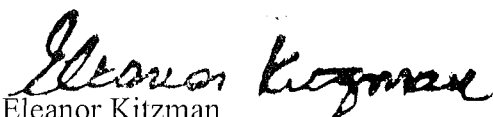
Nothing contained within this administrative order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2005), exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that James M. Hawkins shall, within thirty days from the date of this consent order, pay through the South Carolina Department of Insurance an administrative penalty in the amount of \$5,000.00 dollars and be placed on Two Years Suspension.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Hawkins' licensing file.

This consent order becomes effective as of the date of my signature below.

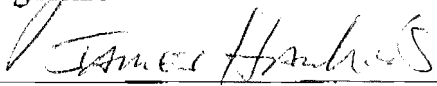
October 19, 2006
At Columbia, South Carolina


Eleanor Kitzman
Director

I CONSENT:



Signature



Printed Name

Title

Address:

Dated this 16th day of Oct, 2006.